

PATENT

**REMARKS****DISCUSSION OF CLAIMS**

In the Office Action, claims 1-9, 13-20, and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,833,623 to *Mann et al.*

In the Office Action, claims 10-12 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,833,623 to *Mann et al.* in view of U.S. Patent No. 5,861,012 to *Stroebe*.

In response thereto, claims 1, 15, 16, 21, and 22 have been amended and claims 9 and 20 have been cancelled. Accordingly, claims 1-8, 10-19, 21, and 22 are now pending. Following is a discussion of the patentability of each of the pending claims.

**Independent Claim 1**

Claim 1 recites a system for automating review of capture verification. The system comprises an autocapture means, a control means, and a display means. The control means comprises means for marking captured cardiac event in a visual representation with an alphanumeric marker representative of capture and means for marking absence of the captured cardiac event with an alphanumeric marker representative of absence of capture in a location in the visual representation where the captured cardiac event was expected to occur.

The *Mann et al.* reference discloses a programmer to perform automated and customized follow-up examination of a patient having an implantable device. Column 13, lines 62 through column 14, line 1 states that "...the programmer 120 includes software routines for stepping through an implantable device test sequence (e.g., a real-time segment of ECG, IEGM and/or marker data) and automatically identifying significant events or transitions (such as the loss of atrial or ventricular capture, substantial heart rate changes, etc.)." However, the *Mann et al.* reference does not disclose or suggest the manner in which the significant events are identified. In particular, the *Mann et al.* reference does not disclose or suggest a visual representation with an alphanumeric marker representative of capture. Nor does the *Mann et al.* reference disclose or suggest

an alphanumeric marker representative of absence of capture in a location in the visual representation where the captured cardiac event was expected to occur.

The *Stroebel* reference is cited because it discloses a capture detection and threshold-measurement system in which a safety margin is added to the pacing threshold value. The *Stroebel* reference does not disclose or suggest a visual representation with an alphanumeric marker representative of capture and an alphanumeric marker representative of absence of capture in a location in the visual representation where the captured cardiac event was expected to occur.

Accordingly, it is respectfully submitted that claim 1 is in condition for allowance.

#### Dependent Claims 2-8 and 10-14

Claims 2-8 and 10-14 depend from claim 1 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

#### Independent Claim 15

For at least the same reasons discussed above with regards to claim 1, it is respectfully submitted that claim 15 is in condition for allowance.

#### Independent Claim 16

For at least the same reasons discussed above with regards to claim 1, it is respectfully submitted that claim 16 is in condition for allowance

#### Dependent Claims 17-19 and 21

Claims 17-19 and 21 depend from claim 16 and are similarly patentable. Accordingly, it is respectfully submitted that these claims are in condition for allowance.

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Independent Claim 22

For at least the same reasons discussed above in regards to claim 1, it is respectfully submitted that claim 22 is in condition for allowance.

CONCLUSION

In light of the above claim amendments and remarks, it is respectfully submitted that the application is in condition for allowance, and an early notice of allowance is requested.

Respectfully submitted,

10/14/03

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